

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2307

In Re: HOWELL W. WOLTZ,

Petitioner.

On Petition for Writ of Mandamus. (3:08-cv-00438-WEB)

Submitted: May 21, 2009

Decided: May 26, 2009

Before MOTZ, TRAXLER, and AGEE, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Howell W. Woltz, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Howell W. Woltz petitions for a writ of mandamus seeking an order removing the district court judge from his case due to alleged bias. We conclude that Woltz is not entitled to mandamus relief.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Woltz fails to demonstrate a clear right to the relief sought. Accordingly, we deny Woltz's motion to proceed in forma pauperis and dismiss the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DISMISSED